

Message Text

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15

ACTION IO-11

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E.O. 11652: N/A

TAGS: EGEN UN

SUBJ: UN COMMISSION ON TRANSNATIONAL CORPORATIONS

REF: STATE 005720 (NOTAL)

1. ACCORDING TO SECRETARIAT OFFICIAL (GUSTAVE FEISSEL, CENTER FOR TRANSNATIONAL CORPORATIONS), THE DOCUMENTATION FOR THE SECOND SESSION OF THE COMMITTEE IS STILL BEING PREPARED; HOWEVER, IT SHOULD BE AVAILABLE FOR DISTRIBUTION NO LATER THAN FOUR WEEKS PRIOR TO THE OPENING OF THE SESSION.

MAJOR DOCUMENTS WILL INCLUDE

(A) SECRETARIAT RECOMMENDATIONS ON ORGANIZATION OF WORK ON A CODE OF CONDUCT,

(B) BACKGROUND PAPERS ON NATIONAL LEGISLATION GOVERNING TNC'S AND ON REGIONAL CODES IN EXISTENCE OR BEING PREPARED,

(C) A SURVEY OF RESEARCH COMPLETED OR UNDERWAY DEALING WITH THE ACTIVITIES OF TNC'S, AND

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(D) OUTLINE OF POSSIBLE TECHNICAL ASSISTANCE

ACTIVITIES WHICH MIGHT BE CONDUCTED BY THE CENTER.

2. WITH REGARD TO THE SECRETARIAT'S RECOMMENDATIONS ON THE CODE OF CONDUCT, THE BASIC RECOMMENDATION WILL BE TO SET UP A WORKING GROUP COMPOSED OF COMMISSION MEMBERS (EXACT NUMBER LEFT OPEN, BUT THE SECRETARIAT ENVISAGES NO MORE THAN ONE-HALF OF THE PRESENT COMMISSION MEMBERS). THE RECOMMENDATION WILL ALSO INCLUDE A PROPOSAL THAT THE CENTER BE REQUESTED TO PREPARE STUDIES ON THE MAJOR ISSUES INVOLVED IN DRAFTING A CODE (E.G. WHETHER IT SHOULD BE COMPULSORY OR VOLUNTARY) AS WELL AS MAJOR ITEMS TO BE DEALT WITH IN THE CODE. WITH THIS BACKGROUND INFORMATION, THE WORKING GROUP WOULD MEET TWO OR THREE TIMES PRIOR TO AND REPORT TO THE THIRD SESSION OF THE COMMISSION. ALTHOUGH NOT SPELLED OUT IN DETAIL, THE IMPLICATION IS THAT THIS WORKING GROUP WOULD IN FACT DRAFT A CODE OF CONDUCT TO BE CONSIDERED BY THE THIRD SESSION.

3. FEISSEL SAID THAT IN THE SECRETARIAT'S VIEW, THE FORTHCOMING SECOND SESSION SHOULD BE ESSENTIALLY PROCEDURAL. THEY WERE, THEREFORE, HOPEFUL THAT CONTENTIOUS POLITICAL ISSUES COULD BE AVOIDED. HE ADDED THAT THE DANGER WAS THAT THE COMMISSION WOULD JUMP THE GUN AND TRY TO TAKE SUBSTITUTE DECISIONS EVEN THOUGH THE NECESSARY BACKGROUND INFORMATION WAS NOT YET AVAILABLE. IN THIS CONTEXT, HE STRESSED THE IMPORTANCE OF TRYING TO ATTRACT TO THE CONFERENCE RESPONSIBLE GOVERNMENT OFFICIALS RATHER THAN THE "POLITICAL TYPES" FROM NEW YORK.

4. FEISSEL SAID THAT THE BASIC STAFFING OF THE CENTER WAS ESSENTIALLY IN PLACE. ALTHOUGH NO FINAL DECISION HAS BEEN TAKEN, THE LEADING CANDIDATE FOR THE NO. 2 SLOT REMAINS JIMENEZ (PERU). JIMENEZ RECENTLY MET WITH THE CENTER DIRECTOR SAHLGREN, WHO APPARENTLY WAS IMPRESSED BY HIS CONGENIALITY AND HIS APPARENT LACK OF BIAS; HOWEVER, THERE REMAIN SOME DOUBTS ABOUT HIS TECHNICAL COMPETENCE. IN ANY EVENT, SAHLGREN IS DETERMINED TO FILL THIS SLOT WITH A LATIN AMERICAN AND HOPES TO MAKE A FINAL DECISION PRIOR TO THE SECOND SESSION OF THE COMMISSION.

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5. CENTER DIRECTOR SAHLGREN IS ATTEMPTING TO ESTABLISH AN INFORMAL "FRIENDS OF THE DIRECTOR" GROUP NOT ONLY IN PREPARATION FOR THE FORTHCOMING SECOND SESSION BUT ALSO AS A CONTINUING BODY TO ADVISE HIM ON THE OPERATIONS OF THE CENTER. ACCORDING TO FEISSEL, SAHLGREN HAS INFORMALLY APPROACHED THE VARIOUS REGIONAL GROUPS TO SUGGEST CANDIDATES; IN ADDITION, HE WILL ADD REPRESENTATIVES FROM COUNTRIES HE CONSIDERS TO BE MAJOR HOME OR HOST COUNTRIES WITH REGARD TO THE ACTIVITIES OF

THE TNC'S. FEISSEL ASSURED US THAT THE U.S. WOULD BE INCLUDED
IN SUCH A GROUP.
MOYNIHAN

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